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In re Application of
Toshihisa Kuroiwa
Application No. 09/505, 281
Filed: February 16, 2000
For: **ELECTRONIC CAMERA**

:
: DECISION GRANTING PETITION
: TO RESET PERIOD FOR REPLY
:
:

This is a decision on the petition filed on September 30, 2004 (supplemented on November 16, 2004), requesting that the shortened statutory period for reply set forth in the Office communication mailed on July 29, 2004 be reset to run from the date on which the Office communication was actually received at the correspondence address of record.


The petition is **GRANTED**.

Petitioner (Applicant's representative) states within the petition filed on September 30, 2004, that the non-final Office action which was mailed on July 29, 2004, was not received. Instead, after failing to hear back on a status inquiry, Applicant's representative discovered the outstanding Office communication after inspection of the Office's public PAIR (Patent Application Information Retrieval) system. As set forth in the petition, Applicant's representative discovered and downloaded a copy of said Office communication, on September 28, 2004.

Applicant's petition was supplemented on November 16, 2004. Within the petition supplement, Petitioner attests that the included docket record reflects that the outstanding non-final Office action was first received and entered into the docket record on September 28, 2004.

The petition was filed within two weeks of receipt of the Office communication. A substantial portion of the set reply period had elapsed on the date of receipt. The petition meets the criteria for restarting a time period to respond to an Office action as set forth in MPEP § 710.06.

Accordingly, the shortened statutory period that was originally set forth in the Office action originally mailed on July 29, 2004 is hereby reset to run **THREE MONTHS FROM THE RECEIPT DATE OF September 28, 2004**, as requested by Petitioner.


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